

**Amendments To The Drawings:**

Applicants have included a Replacement Sheet and an Annotated Sheet with mark-ups. The attached sheet of drawings includes changes to originally filed Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. Elements 56, 58, and 60 were included as inputs to braking control device 18, as described in the specification. The box to the left of element 48 was deleted. The output 52 at the bottom of box 22 was deleted. An arrow now connects box 40 to box 50, and box 42 to box 50. An arrow 52 is now shown outputted from box 50, and element 54 was placed in the line between box 50 and box 12. Finally, drive wheel 66 is shown between brake 12 and driving motor 10, as previously presented.

Attachments: Replacement Sheet and Annotated Sheet Showing Changes.

**Remarks**

This Amendment is in response to the Office Action dated **June 15, 2006**.

In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application 2003/0127289 to Elgas et al (“Elgas”) in view of U.S. Patent 3,289,062 to Dannettell (“Dannettell”) and U.S. Patent 4,421,213 to Brosius et al (“Brosius”).

Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgas in view of Dannettell and Brosius as applied to claim 1, and further in view of EP 0908348 (“EP ‘348”).

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgas in view of Dannettell and Brosius as applied to claim 1, and in further view of U.S. Patent 6,805,415 to Isono et al (“Isono”).

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgas in view of Dannettell and Brosius and EP 0908348 as applied to claim 3, and further in view of JP 4,117,105 (“JP ‘105”).

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgas in view of Dannettell and U.S. Patent 6,122,585 to Ono et al (“Ono”) as applied to claim 1, and further in view of GB 2,293,364 (GB ‘364). Applicants believe that the Office Action mistakenly attributed U.S. Patent 6,122,585 to Brosius, instead of Ono, and if this is not the case, Applicants ask the Examiner to please contact their undersigned representative.

Additionally, the specification was objected because of informalities. The Applicants have corrected the specification.

Finally, the drawings were objected to. Applicants have amended the drawings

and have included a replacement sheet as well as an annotated sheet.

The arguments below are presented in the same order as presented in the Office Action and with corresponding paragraph numbers.

### **Drawings**

1. Figure 1 was objected to for various reasons. Applicants have submitted as an attachment a Replacement Sheet for Fig. 1 with the changes requested by the Examiner.
2. Applicants have also submitted as an attachment an Annotated Sheet showing the changes made to Fig. 1 as requested.

### **Specification**

3. The disclosure was objected to for two informalities. Presented above, Applicants have included an amended paragraph with the changes proposed by the Examiner.

### **Claim Rejections—35 U.S.C. § 103**

5. In the Office Action, claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgas in view of Dannettell and Brosius. Applicants respectfully disagree.

The Examiner argues that figures 1 and 6 of Elgas show a braking system capable of being used for battery powered industrial trucks. Elgas, however, deals with a sensorless drive control for an electric vehicle. After reading the specification in Elgas and the description of figure 6, Applicants found no mention of either brakes or braking.

There is also no mention in Elgas of “first braking signal” generated by a “braking signal generator”, as in claim 1.

There is no mention of “a second conversion unit (34) in the control device which detects and converts an actual torque value of the driving motor (10) into an actual braking force value and generates an actual braking signal, the braking device being controlled by a braking control device (18) through a second braking signal, the braking control device (18) including a comparator device (36) wherein the first braking signal is compared with the actual braking signal to form the second braking signal for the braking device”, as required by claim 1.

As a result, Elgas does not teach or suggest all the elements of claim 1. The addition of the motor of Wagner, modified to be a three-phase motor as presented in Dannettell, and the brake pedal signal of Brosius does nothing to address Elgas' failure to teach or suggest all the elements of instant claim 1. Therefore, the rejection has been traversed and the Applicants respectfully request that the rejection be removed and that instant claim 1 be allowed.

Furthermore, Applicants submit that because claim 2 depends from independent claim 1, which as argued above is not obvious over Elgas, the rejection under 35 U.S.C. § 103(a) is traversed and the claim should be allowed.

6. Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgas in view of Dannettell and Brosius as applied to claim 1, and further in view of EP '348.

As argued above, Elgas fails to teach or suggest all the elements of independent claim 1, from which claim 3 and 6 depend. The addition of the features described in Dannettell, Brosius, and EP '348 does nothing to address the failure of Elgas to teach or suggest all the elements of the base claim, claim 1. As a result, the rejections to claim 3 and 6 are traversed and Applicants request that the rejections be removed and claims 3 and 6 be allowed.

7. Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgas in view of Dannettell and Brosius as applied to claim 1, and in further view of Isono.

As argued above, Elgas fails to teach or suggest all the elements of independent claim 1, from which claim 4 depends. The addition of the features described in Dannettell, Brosius, and Isono does nothing to address the failure of Elgas to teach or suggest all the elements of the base claim, instant claim 1. As a result, the rejection to claim 4 is traversed and Applicants request that the rejection be removed and claim 4 be allowed.

8. Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgas in view of Dannettell and Brosius and EP '348 as applied to claim 3, and further in view of JP'105.

As argued above, Elgas fails to teach or suggest all the elements of independent claim 1, from which claim 5 depends. The addition of the features described in Dannettell, Brosius, and EP '348 as applied to claim 3, and JP '105 does nothing to address the failure of Elgas to teach or suggest all the elements of the base claim, instant claim 1. As a result, the rejection to claim 5 is traversed and Applicants request that the rejection be removed and claim 5 be allowed.

9. Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Elgas in view of Dannettell and Ono as applied to claim 1, and further in view of GB '364.

As argued above, Elgas fails to teach or suggest all the elements of independent claim 1, from which claim 5 depends. The addition of the features described in Dannettell, Ono, and GB '364 does nothing to address the failure of Elgas to teach or suggest all the elements of

the base claim, instant claim 1. As a result, the rejection to claim 7 is traversed and Applicants request that the rejection be removed and claim 7 be allowed

### **Conclusion**

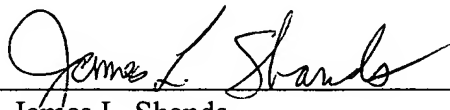
In view of the foregoing, Applicants believe that the application, with pending claims 1 – 7, is in condition for allowance. Applicant respectfully requests that the objections and rejections be withdrawn and claim 1 – 7 be allowed. Favorable consideration and prompt action to that effect are earnestly solicited.

Should the Examiner believe that anything further would be desirable to put the application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date: September 12, 2006

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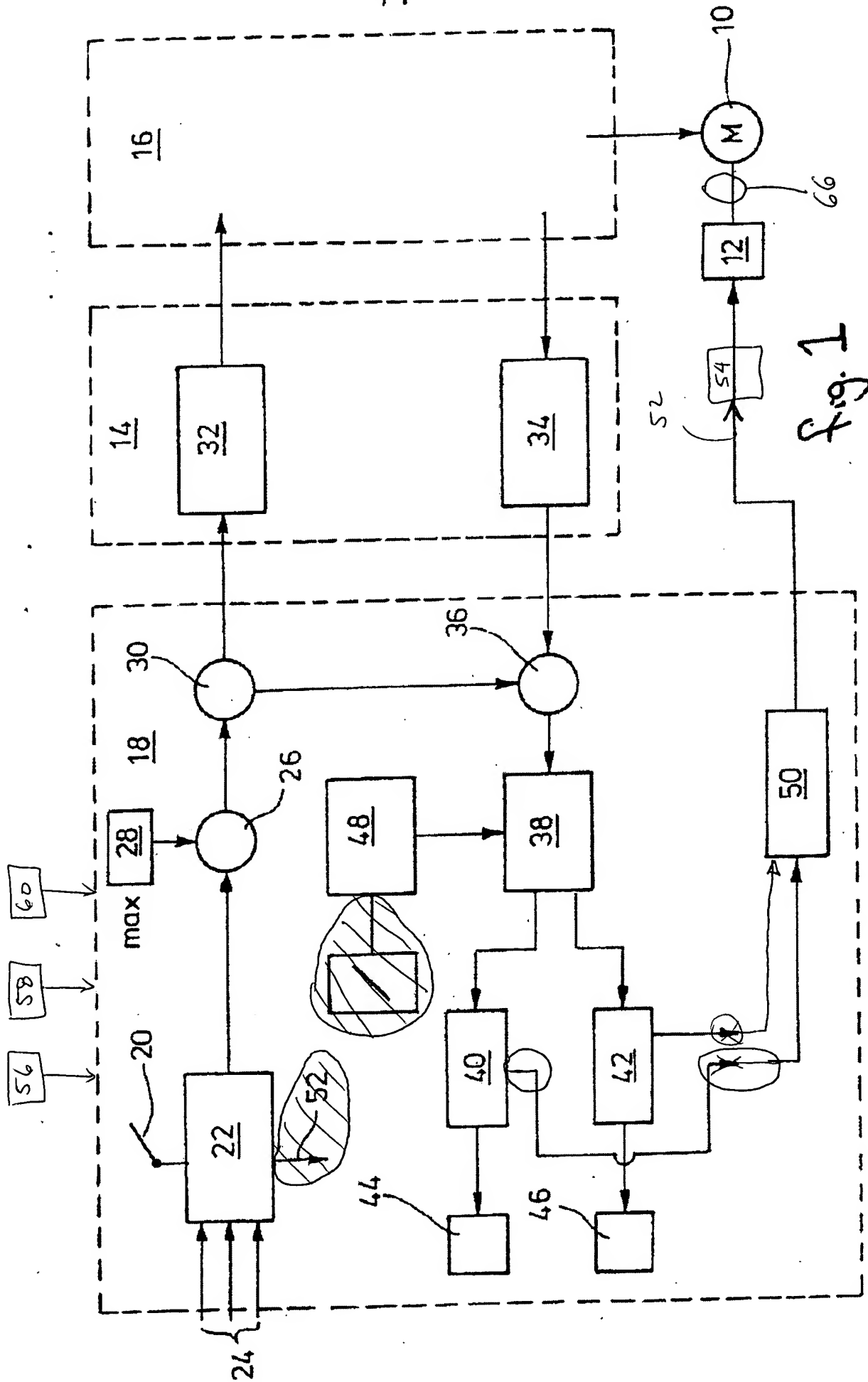


Fig. 1